United Nations A/62/598

General Assembly

Distr.: General
24 December 2007

Original: English

Sixty-second session
Agenda item 138

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Fifth Committee

Rapporteur: Mr. Steven Ssenabulya **Nkayivu** (Uganda)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 22nd and 26th meetings, on 13 and 21 December 2007. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/62/SR.22 and 26).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the budget for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the

07-65831 (E) 030108

Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2008-2009 (A/62/468);

(b) Second performance report of the Secretary-General on the budget of the International Criminal Tribunal for Rwanda for the biennium 2006-2007 (A/62/557);

(c) Report of the Advisory Committee on Administrative and Budgetary Questions (A/62/578);

(d) Report of the Secretary-General on the revised estimates for the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia: effect of changes in rates of exchange and inflation (A/62/586);

(e) Report of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.30).

II. Consideration of draft resolution A/C.5/62/L.11

4. At its 26th meeting, on 21 December, the Committee had before it a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/62/L.11), submitted by the Vice-Chairman of the Committee, Tomáš Mičánek (Czech Republic), on the basis of informal consultations.

5. At the same meeting, the Committee adopted draft resolution A/C.5/62/L.11 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

I. Second performance report on the budget of the International Criminal Tribunal for Rwanda for the biennium 2006-2007

Having considered the second performance report of the Secretary-General on the budget of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the biennium 2006-2007[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Criminal Tribunal for Rwanda and its subsequent resolutions thereon, the latest of which were resolutions 60/241 of 23 December 2005 and 61/241 of 22 December 2006,

1. *Takes note* of the second performance report of the Secretary-General on the budget of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the biennium 2006-2007[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions;[2]

2. *Endorses* the conclusions and recommendations contained in section IV.A of the report of the Advisory Committee on Administrative and Budgetary Questions;

3. *Expresses its appreciation* to Member States that contributed to the Voluntary Fund to support the activities of the Tribunal, and invites Member States to continue making voluntary contributions to the International Criminal Tribunal for Rwanda both in cash and in the form of services and supplies acceptable to the Secretary-General;

---

[1] A/62/557.

[2] A/62/578.

4. *Notes with concern* the high vacancy rate at the Tribunal, especially in the Office of the Prosecutor and the Registry, and urges the Secretary-General to take appropriate measures to address this problem;

5. *Resolves* that, for the biennium 2006-2007, the amount of 277,127,700 United States dollars gross (254,757,400 dollars net) approved in its resolution 61/241 for the budget of the International Criminal Tribunal for Rwanda shall be adjusted by the amount of 2,384,700 dollars gross (2,357,200 dollars net), for a total amount of 279,512,400 dollars gross (257,114,600 dollars net);

II. Budget for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2008-2009

Having considered the reports of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2008-2009,[3] and on the revised estimates arising from the effect of changes in rates of exchange and inflation,[4]

Having also considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Takes note* of the reports submitted by the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2008-2009,[3] and on the revised estimates arising from the effect of changes in rates of exchange and inflation;[4]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provision of the present resolution;

3. *Recalls* paragraph 4 of its resolution 61/241, and reaffirms the importance of the timely submission of reports on the Tribunal and related reports of the Advisory Committee on Administrative and Budgetary Questions in order to facilitate their proper consideration early in the session;

4. *Takes note* of section II.E of the report of the Secretary-General;[3]

5. *Requests* the Secretary-General to include information on specific parameters of the management of the funds to be appropriated to meet future

[3] A/62/468.

[4] A/62/586.

requirements for pension benefits of the Tribunal's judges and eligible beneficiaries in the context of the first performance report for the biennium 2008-2009;

6. *Decides* to revert to the issue of funding the pension-related liabilities of the Tribunal at its sixty-fourth session, taking into account the report of the Secretary-General requested in paragraph 11 of its resolution 61/262 of 4 April 2007;

7. *Also decides* to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 267,356,200 United States dollars gross (247,466,600 dollars net) for the biennium 2008-2009, as detailed in the annex to the present resolution;

8. *Further decides* that the total assessment for 2008 under the Special Account amounting to 136,062,800 dollars, shall consist of:

(a) 133,678,100 dollars, being half of the estimated appropriation approved for the biennium 2008-2009;

(b) 2,384,700 dollars, being the increase in the final appropriation for the biennium 2006-2007 approved by the General Assembly in paragraph 5 of section I of the present resolution;

9. *Decides* to apportion the amount of 68,031,400 dollars gross (63,045,250 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2008;

10. *Also decides* to apportion the amount of 68,031,400 dollars gross (63,045,250 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2008;

11. *Further decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 9 and 10 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 9,972,300 dollars approved for the International Criminal Tribunal for Rwanda for 2008.

Annex

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	United States dollars	
Estimated appropriation for the biennium 2008-2009	302 599 700	283 215 900
Revised estimates: effect of changes in rates of exchange and inflation	6 287 100	5 781 300
Recommendations of the Advisory Committee on Administrative and Budgetary Questions	(28 500 000)	(28 500 000)
Recommendations of the Fifth Committee	(13 030 600)	(13 030 600)
Estimated initial appropriation for the biennium 2008-2009	267 356 200	247 466 600
Total assessment for 2008, comprising:	**136 062 800**	**126 090 500**
(a) Requirements representing half of the estimated appropriation for the biennium 2008-2009	133 678 100	123 733 300
(b) Requirements arising from the final appropriation for the biennium 2006-2007	2 384 700	2 357 200
Of which:		
Contributions assessed on Member States in accordance with the scale of assessment applicable to the regular budget of the United Nations for 2008	68 031 400	63 045 250
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2008	68 031 400	63 045 250